

## DHMH CORPORATE COMPLIANCE PROGRAM

### CODE OF CONDUCT

#### I. INTRODUCTION

The Department of Health and Mental Hygiene (DHMH) is committed to maintaining the highest level of professional and ethical standards in delivering quality health care services to the citizens of Maryland. These standards can only be achieved and sustained through the actions and conduct of all DHMH personnel. DHMH employees have an obligation to familiarize themselves with, and adhere to, all applicable federal and state laws and regulations that apply to the delivery and reimbursement of services provided by DHMH for Medicare and Medicaid.

As part of this effort, DHMH has joined with other State and federal agencies in developing initiatives to prevent potential fraud, abuse and waste in programs funded by Medicare and Medicaid. One specific initiative adopted by the U. S. Department of Health and Human Services is the creation of voluntary "corporate compliance" programs. DHMH has established the DHMH Corporate Compliance Program and this Code of Conduct to provide guidance to employees on their responsibilities and to help them determine appropriate conduct in performing their duties. The Compliance Officer will oversee and monitor the implementation of the DHMH Corporate Compliance Program. To assist the Compliance Officer, the Corporate Compliance Committee has been created with representatives from the Attorney General's Office, and various DHMH administrations responsible for providing health care services to citizens including reimbursements and billing.

While all DHMH employees are obligated to follow this Code, management will provide access to the information, training and resources needed by staff to comply with applicable federal and state laws, including ethics laws, regulations, and policies. All employees must help create a culture within DHMH that promotes the highest standards of ethics and compliance, and which encourages everyone in DHMH to address concerns, when they arise, consistent with this Code. Where any question or uncertainty regarding such requirements exists, each affected employee is required to seek guidance from his or her supervisor or the DHMH Compliance Officer.

Each DHMH employee is obligated to conduct himself/herself in a manner to assure the maintenance of these standards. DHMH prohibits any employee or agent from knowingly presenting any claim for payment or approval that is inaccurate, false, fictitious or fraudulent. Compliance with these standards will be an important factor in evaluating an employee's performance. Compliance oversight will also be an important element in the evaluation of DHMH supervisory employees responsible for the provision of services or for preparation of bills to seek reimbursement from Medicare, Medicaid and/or other federal programs. Employees who fail to comply with this Code of Conduct will be subject to additional training, direct supervision and/or appropriate disciplinary action.

#### **Personal Obligation to Report**

DHMH is committed to compliance with all relevant laws and regulations. Each employee has an individual responsibility to report any activity by any DHMH employee, subcontractor, or vendor that the employee has reason to believe violates applicable laws, rules, regulations, or this Code. All violations or suspected violations shall be reported immediately to the Compliance Officer with concurrent notification to the employee's supervisor or to the Compliance Officer alone, if appropriate. Employees who, in good faith, report a possible violation may not be subjected to retaliation. Employees who make a report that they know to be false or misleading will be subject to appropriate disciplinary action.

Each DHMH employee who is directly or indirectly involved in providing services and/or billing Medicare and Medicaid, has an individual responsibility to comply with DHMH Medicare and Medicaid policies and procedures as they apply. (See Section IV for a list of potential risk areas).

**Internal Investigations of Reports**

DHMH is committed to investigating all reported concerns promptly and confidentially to the extent possible. The Compliance Officer will coordinate investigations with the Attorney General's Office and shall immediately report any findings of a violation to the Office of the Inspector General along with recommended corrective actions. All DHMH employees shall cooperate with investigation efforts.

**Corrective Action**

When an internal investigation finds a violation, it is the policy of DHMH to initiate appropriate corrective action, including, but not limited to, making prompt restitution of any overpayment amounts and implementing systemic changes to prevent a similar violation from recurring in the future.

**Disciplinary Action**

Any DHMH employee who violates the Code may be subject to appropriate disciplinary action and/or retraining, to prevent recurrence of the violation. In determining the level of disciplinary action to be taken, management will consider the amount of training provided to the involved employee(s). The discipline imposed will depend on the nature, severity and frequency of the violation and may result in any of the permitted disciplinary actions as provided by law.

**Internal Audit and other Monitoring**

DHMH is committed to the aggressive monitoring of compliance with its policies. Much of this monitoring effort will be conducted through scheduled and unannounced internal audits of issues that may involve actual or potential violations.

**Acknowledgment Process**

Following the training, employees will be required to sign an acknowledgment statement confirming they have received this Code of Conduct and understand that it represents mandatory policies of DHMH. Employees will be required to sign this acknowledgment as a condition of employment. Adherence to DHMH's Code of Conduct and participation in related activities and training will be considered in decisions regarding hiring, promotion, evaluation and continuation of employment.

**II. SUMMARY OF CODE OF CONDUCT OBLIGATIONS****MANAGEMENT OBLIGATIONS**

1. Provide access to information, training and resources staff needs to comply with all applicable federal and state laws, regulations and policies.
2. Compliance oversight will be an important element in the evaluation of DHMH supervisory employees who are responsible for the delivery of services or billing to the Medicare and/or Medicaid Programs.

**EMPLOYEE OBLIGATIONS**

1. Become familiar with federal and state laws and regulations that apply to the delivery and reimbursement of services provided by DHMH and funded by Medicare and Medicaid Programs.
2. Adhere to federal and state laws and regulations governing the Medicare and Medicaid Programs.
3. Seek guidance from either a supervisor or the DHMH Compliance Officer when employees have questions.
4. Present no claim for payment or approval that is inaccurate, false, fictitious or fraudulent.
5. Report activity of any DHMH employee, subcontractor or vendor, which you believe, may violate federal or state laws, rules, regulations or the Code of Conduct to the DHMH Compliance Officer.
6. Make no false or misleading reports.
7. Cooperate with training and investigation efforts.

### III. DEFINITIONS

To assist each DHMH employee in fully comprehending this Code of Conduct, the Program has provided a list of definitions below:

- **“DHMH Corporate Compliance Program”** for the purposes of this program is a mechanism put in place by the Department of Health and Mental Hygiene to achieve the goals of reducing fraud and abuse, improving operational quality, improving the quality of and reducing the costs of health care.
- **“Compliance Officer”**-the individual designated to serve as the focal point for the Department of Health and Mental Hygiene’s compliance activities, while overseeing and monitoring the implementation of the Compliance Program.
- **“Corporate Compliance Committee”**-a committee established to advise the Compliance Officer and assist in the implementation of the Compliance Program.
- **“Code of Conduct”**-written standards of conduct stating the Department of Health and Mental Hygiene’s commitment to comply with all Federal and State standards, with an emphasis on preventing fraud and abuse regarding appropriate billing practices.

### IV. LIST OF PROBABLE RISK AREAS

(Note this list is not all inclusive and is subject to change)

• Assumption Coding	• Internal Coding Practices	• Coding without proper documentation of all physician services
• Expense Vouchers	• Employment of sanctioned individuals	• Knowing misuse of provider identification numbers resulting in improper billing
• Lack of integrity in computer systems	• Inappropriate balance billing	• Failure to comply with the confidentiality of protected health information
• Procurement and Contracts	• Billing for items or services not actually rendered	• Billing for services provided by unqualified or unlicensed clinical personnel
• Alteration of documentation	• Providing medically unnecessary medical services	• Discounts and professional courtesy
• Time sheets	• Duplicate Billing	• False cost reports and credit balances
▪ Kickbacks	• Computer software programs that encourage billing personnel to enter data in fields, indicating services were rendered though actually not performed or documented	

**CODE OF CONDUCT**  
**ACKNOWLEDGMENT STATEMENT**

I hereby acknowledge that I have received **and agree to read** the DHMH Corporate Compliance **Code of Conduct**. I fully understand that, as an employee, I have an obligation to fully adhere to the obligations and principles of the Code and that I consent to comply with this Code and to recognize the consequences that may occur should I breach this Code.

**For Medical Personnel:**

I confirm that I have not been excluded by the federal government from participation in any governmental health care program, nor, to the best of my knowledge, have I been proposed for exclusion. I agree to notify the Compliance Officer or my immediate supervisor upon my receiving written or verbal notification that I am proposed for exclusion from any governmental health care program.

EMPLOYEE SIGNATURE	DATE
PRINTED NAME (Last, First, Middle)	
ORGANIZATION (ADMINISTRATION/DIVISION, FACILITY, LOCAL HEALTH DEPARTMENT)	

(This Acknowledgement Statement will be kept in the employee's DHMH Personnel File.)